P.R. No. 3235/05
Presented by Shri U.K. Kashive
dated 21/12/05

Single Bench

## IN THE HIGH COURT OF CHHATTISHGARH AT BILASPUR

**M.C.C. No. 291 /2005**

| | |
|---|---|
| APPELLANT DEFENDENT | : (1) ~~Sulman~~ Suleman S/o Manohar Caste Urban aged about 55 years Occupation Agriculturist R/o Village Amapali Tahsil Dharmajaygarh Distt. Raigarh (C.G.) |

**VERSUS**

| | |
|---|---|
| RESPONDENTS/ PLAINTIFFS | : 1. Girdhari S/o Budhuram aged about 60 years caste Kanwar, Occupation Agriculturist R/o Village Amapali Tahsil Dharamjaigarh Distt. Raigarh (C.G.)<br>2. State of Chhattisgarh through The District Collector, Raigarh (C.G.) |

RECEIVED-COPY
21/12/05
CLERK to A. G. BILASPUR

APPLICATION FOR RESTORATION OF S.A. NO. 418/05 BETWEEN SULEMAN Vs GRDHARI DISMISSED IN DEFAULT FOR WANT OF PROSECUTIO ON DATED ON 02.12.05.

XI-HC-22

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

(10)

आदेश पत्रक

मामला क्रमांक M.C.C. No. 271/05 सन् 200

विरुद्ध

| आदेश का दिनांक आदेश क्रमांक सहित | आदेश हस्ताक्षर सहित | कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश |
|---|---|---|
| | 27.01.2006<br>Shri U.R. Khosley, learned counsel for the appellant.<br>Heard.<br>The appellant has preferred this application for restoration of S.A. No. 418/2005 as the same was dismissed for non-prosecution vide order dated 02/12/2005 by this Court.<br>Learned counsel for the appellant submits that when the matter was listed on 02/12/2005 and when the same was taken up by the Court ~~non~~ no one appeared on behalf of the appellant even in the second round and therefore the case was dismissed for want of prosecution. He submits that on 02.12.2005 there was bereavement in the family of Shri U.R.Khosley and therefore he could not appear and thus his non appearance is bona fide and condonable. However he has filed an affidavit in support of this application.<br>Taking into consideration the reason assigned by the counsel for the appellant the application is allowed and dismissal of the S.A. No. 418/2005 is set aside and it is directed that S.A. No. 418/2005 shall be restored to its original number.<br>**Sd/-**<br>**Dhirendra Mishra**<br>**Judge** | |